

ALASKA



NOTARY HANDBOOK

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*Notary Test and Application are located on the last pages of brochure.

GENERAL INFORMATION

Qualifications

To obtain a notary commission in Alaska, each applicant must be 19 years of age and a resident of Alaska. Resident means a person who maintains a permanent place of abode in Alaska and is in fact living in Alaska.

Commission Fee

Effective May 12, 1990, the fee for each notary public commission is \$40.

Directions for Commissioning Process

Each applicant must complete the enclosed notary bond form and educational test, located in the back of this brochure. The bond serves as the application; therefore, there is no separate application form. The form may be obtained from local insurance agencies, the Lieutenant Governor's Office, the Clerk of the Court's Office, or the Governor's Office. Every notary must have a surety and the bond must be completed by the surety, with appropriate signatures, seals, etc. Directions on filling out the application are located in this handbook.

The educational test was implemented by the Lieutenant Governor, effective January 1, 1992. The test was enacted to help notaries public within Alaska become more familiar with Alaska notary laws and general information on the policy and procedures of being a notary public.

Once the applicant has completed the bond form and educational test, return them along with a check made payable to the State of Alaska for \$40.00 to:

Lieutenant Governor's Office
PO Box 110015
Juneau, AK 99811-0015

The application will be processed within three weeks. However, if an application is submitted to this office incomplete, or if any information on the application requires further explanation, the application and check for the fee will be returned with a letter from the Lieutenant Governor's office requesting verification. Whenever an application must be returned for completion or verification, there will be a delay in the issuance of a commission.

Term of Office

Notary public commissions are issued for a four-year term of office. This term is set by law. (see page 26)

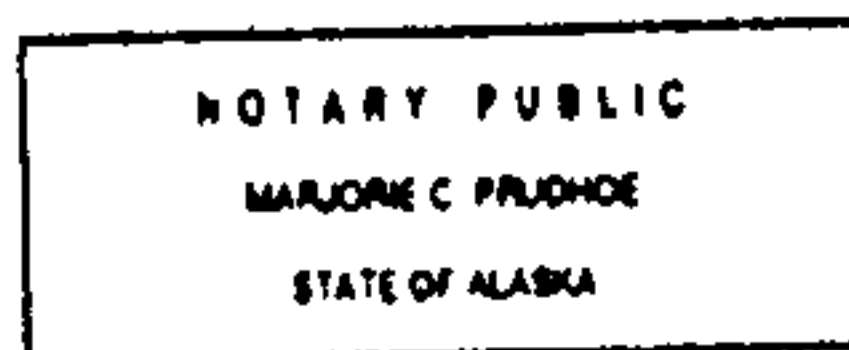
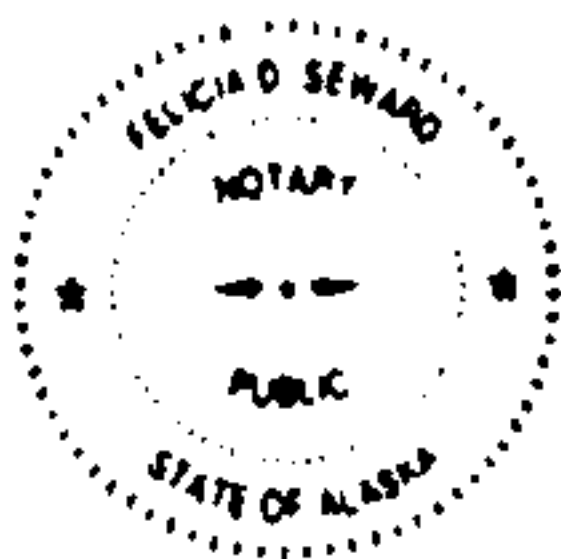
Notary Public Bond

The bond must be in the amount of \$1,000. Suppose you are sued for \$500. If you are shown to be liable and cannot pay the \$500, your surety would pay this amount to the injured party. Then, the surety would seek repayment from you. If you do not respond, the surety would sue you to recover the \$500.

It is a common misunderstanding among notaries that the bond protects them from civil lawsuits. It does not. **The notary bond protects the public against a loss resulting from a wrongful notarial act, whether the act was intentional or unintentional.** The notary must reimburse the surety for any bond funds paid to a person who has suffered losses caused by the notary's improper performance of official duties. **Notaries have unlimited financial liability for intentional and unintentional misconduct.**

Seal

The notary seal may be either a seal press or rubber stamp that will print or emboss a seal that legibly reproduces, under photographic methods, the words, "State of Alaska", "Notary Public", and the name of the notary. The seal may be circular, not over 2 inches in diameter, or may be a rectangular form, not more than 1 inch in width by 2.5 inches in length.



You must also type, print, or rubber-stamp the following information on every notary certificate you complete, and this information must be capable of photographic reproduction:

- 1) Your name exactly as it appears on your commission and seal;
- 2) the words, "My commission expires";
- 3) expiration date of your notary commission.

For convenience, it is suggested that a rubber stamp be purchased which contains this information.

EXAMPLE:

John Smith _____

My Commission Expires 1/15/98

Journal

Alaska law does not require that a permanent record of notarial acts be kept, however, this office cannot emphasize enough the importance of recording every notarization completed by a notary public. If a notarized document is lost or altered, or if certain facts about the transaction are later challenged, the journal becomes

valuable evidence. It can both protect the rights of citizens and help notaries defend themselves against false accusations.

These journals may be purchased in a local office supply store or may be ordered through the educational organizations listed in this handbook, as well as through one of the bonding companies that offers a package of notary supplies.

Renewals

It is the same process to renew a notary commission as to obtain a new commission. Notary public commissions are for a four-year term. There are no provisions in the notary law for renewals. To obtain another commission as a notary public, submit a completed bond application to the Lt. Governor's office no earlier than one month prior to the current expiration date. Every effort will be made to allow no lapse between the old and new commission terms, however, if a notary submits an application after the date of expiration of their commission, there may be a lapse in service. The same application form is used to request each commission. No person is automatically reappointed as a notary public. Each notary is responsible for obtaining the \$1,000.00 notary bond or procuring a private surety for each new term of office. **State employees should contact their personnel office for the proper application form.**

Lost or Stolen Seal

If an embossed seal, rubber stamp or notarial journal are thought to be lost or stolen, please send this office a letter advising us of the approximate date you noticed the item missing. This notice will be placed in your notary file.

Under these circumstances, it is not necessary to apply for a new commission, but it is recommended that you mark the approximate date your seal was lost or stolen in your journal. You may also want to report a stolen seal to your local police department.

Resignation of Commission

If for any reason you no longer wish to serve as a notary public, please return your commission certificate, and a letter of resignation to the Lieutenant Governor's office. A reason for the termination is not necessary, but an effective date of resignation is appreciated.

State Employees as Notaries

Alaska Statute 44.50.170 states, "The Lieutenant Governor may appoint and commission state employees as notaries public of the state to act for and on behalf of a department of the state government as the Lt. Governor considers proper." If a state employee feels that a particular job necessitates becoming a notary public, the employee should contact his/her personnel office for the required paperwork. **A state employee acting as a notary for the state may only notarize documents for "official state business," as stipulated on the state employee form which is signed by each state employee notary.**

A state employee may act as a notary for the state, and also carry a "private" notary bond. Contact the lieutenant governor's office for more information and appropriate paperwork.

Misconduct or Neglect

A notary and the sureties on the official bond are liable to persons injured for the damages sustained as a result of misconduct or neglect of the notary. To avoid acts of misconduct, it is highly recommended that each notary keep a complete log of notarial acts.

Educational Information

The National Notary Association
9350 De Soto Avenue
PO Box 2402
Chatsworth, CA 91313-2402
Phone: (818) 739-4000

The American Society of Notaries
PO Box 5707
Tallahassee, FL 32314-5707
Phone: (800) 522-3392

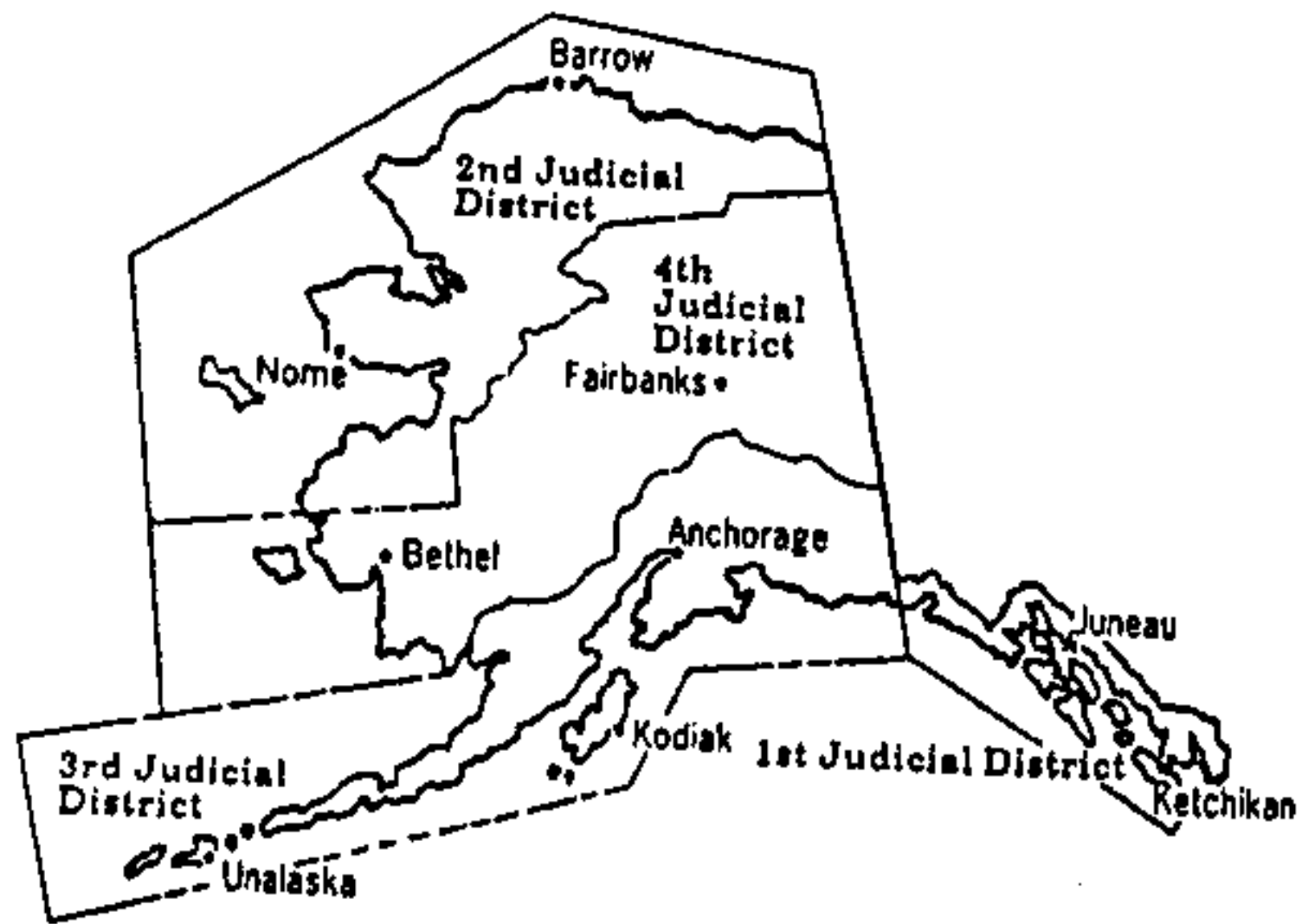
Intermountain Notary Institute
PO Box 58595
Salt Lake City, Utah 84158-0595
Phone: (801) 582-0924

APPLICATION DIRECTIONS

- 1) Check new commission or renewal box.
- 2) Judicial district in which the applicant resides.
- 3) Applicant's name and PERSONAL mailing address.
- 4) Employers name and mailing address, if applicable.
- 5) Surety's name and address.

ALASKA JUDICIAL DISTRICTS

- 6) City and date.
- 7) Applicant's name.
- 8) Applicant's signature.
- 9) Surety's signature.
- 10) Applicant's name.
- 11) The Oath must be signed by Applicant.



- 12) Notarization, to be completed by a notary.

The back of the bond must be completed unless surety is a commercial bonding company. If a commercial bonding company is used, a power of attorney must be attached to the application.

- 13) Judicial District in which applicant resides.
(See #2)
- 14) One of the four options must be completed by the surety.
- 15) Surety's signature.
- 16) Notarization, to be completed by a notary.



NOTARY BOND
State of Alaska

FOR OFFICAL USE ONLY

Case Number _____

Test Scores _____

1 New Commission ☐
Renewal ☐

2 _____ Judicial District

KNOW ALL BY THESE PRESENT,

That, 3 _____
Applicant Name Mailing Address City/State/Zip

4 _____
Applicant's Employer's Name and Mailing Address City/State/Zip

As applicant, and 5 _____
Surety Name Mailing Address City/State/Zip

As surety, are held and firmly bound to the State of Alaska for the penal sum of One Thousand Dollars. We bind ourselves, our heirs, executors and administrators for the payment of this lawful sum.

Dated at 6 _____ this _____ day of _____, 20____.
City

On condition of the above obligation, the Honorable Lieutenant Governor of Alaska has appointed and commissioned 7 _____, a Notary Public in and for the State of Alaska, for a term of 4 years from the _____
(Do not fill in this date)
day of _____, 19_____.

If the above named applicant performs their duties as Notary Public as prescribed by law, then the obligation of this bond in null and void. However, if the above named applicant fails to perform their duties as Notary Public as prescribed by law, then the obligation of this bond is in full force and effect.

8 _____
APPLICANTS SIGNATURE

9 _____
SIGNATURE OF SURETY

I, 10 _____ do solemnly swear that I will support and defend the Constitution of the United States, and the Constitution of the State of Alaska, and will truly and faithfully discharge my duties as Notary Public to the best of my ability.

I am a resident of the State of Alaska so help me God.

11 _____
Oath (SIGNATURE REQUIRED)

12 _____
Subscribed and sworn to before me this _____ day of _____, 20_____.

NOTARY PUBLIC

EXPIRATION DATE

STATE OF ALASKA

13 Judicial District

THIS SECTION MUST BE COMPLETED UNLESS SURETY IS COMMERCIAL BONDING COMPANY

I, 14, as surety, being duly sworn, upon oath, say that I am worth the sum of One Thousand Dollars, over and above all debts and property exempt from execution.

I base this statement upon estimated value of property, which I own at the present time:

I. Real Property, described as follows: _____
_____ \$ _____

and in which I have an equity at present of _____%

II. Stocks, bonds, and other intangible assets of a total estimated value of \$ _____

III. Personal property, fixtures, and other tangible personal property of a total value of \$ _____

IV. Accounts in the following banks and savings and loan associations:

1. _____, with an average monthly deposit of \$ _____

2. _____, with an average monthly deposit of \$ _____

Surety must inform the Lieutenant Governor of any change in financial status which would void the above statement.

15
SURETY
16
Subscribed and sworn to before me this _____ day of _____, 20____.

NOTARY PUBLIC

EXPIRATION DATE

FOR FURTHER INFORMATION CONTACT: THE NOTARY ADMINISTRATOR,
PO BOX 110015, JUNEAU, AK 99811

QUESTIONS AND ANSWERS

What is a notary?

An official appointed by the State to serve the public as an impartial and unbiased witness, with duties prescribed by law.

What is a surety?

An individual or company who is willing to accept financial liability for the notary's debts and defaults of obligations up to the amount of the surety bond. In Alaska, the bond amount is \$1,000.00. **Every notary must have a surety.**

An applicant may choose one of two options for a surety.

1) Commercial Bond: A bond may be purchased through an insurance agency in which case the notary would be commercially bonded.

2) Private Bond: The back side of the bond issued in this handbook may be completed by a business, organization, or private individual acting as private surety on behalf of a notary, in this case, the notary would be privately bonded. **ONE CANNOT ACT AS ONE'S OWN SURETY.**

What does notarization mean?

Certification by an impartial witness that a signer has been screened and that an oath has been administered.

What is the procedure in notarizing a document?

- a) request identification.
- b) record journal information.
- c) administer oath.
- d) complete notarial certificate.
- e) sign designated line for the notary exactly how name appears on your seal.
- f) write, type or stamp correct commission expiration date.
- g) place seal on document.*

***A notary seal must be affixed to every notarized document, even on absentee ballots.**

Must I sign my name exactly the way it appears on the certificate?

Yes. You must sign your name as it appears on the certificate and seal, including a middle initial, if it applies. When applying for a notary commission, be sure to sign the bond the way you wish your name to read on your commission.

Where do I place my notary seal on a document?

The notary seal should be affixed on the document where it can easily be read, and so that it legibly reproduces under photographic methods as to comply with Alaska Statutes. Do not affix a seal over your signature or other printed matter.

Is a notarization valid if I sign but do not place my seal on the document?

No. According to Alaska statutes, a notary shall authenticate all official acts with the seal.

How should I notarize a document that contains no notarial certificate?

You should not. **A notarization is incomplete without notarial wording.** It is not the notary's role or obligation to decide what type of notarial act is needed for a given document. This is a legal decision. The signer should be asked to find out what kind of certificate is appropriate. This information may be acquired by an attorney or by the issuing or receiving agencies of the document. If the constituent provides the appropriate notarial wording, the notary may type the notarial certificate as a courtesy.

Is it necessary for a signer to appear before me?

Yes, Alaska Statutes state that a notary shall require oaths and affirmations to be given in the notary's presence.

A notarization may be challenged in court and be considered null and void if it is determined that a notary did not require appearance of the document signer.

What should I do if there is not enough room for an embosser seal or rubber stamp information on a document?

In most instances a separate notary certificate may be affixed to the document. This is called a **loose certificate**, and the notary should place the seal half on the loose portion of the certificate, and half on the original document. However, the loose certificate is not always accepted and the person requesting the notarization is responsible for making sure with the receiving agency of the document that a separate notary certificate attached to the document is acceptable. In other instances, the notary should carefully place the rubber stamp information and embossed seal on the document in a place so as to cover the least amount of print as possible.

What are the limitations of notarization?

Notarization does not guarantee the truthfulness or accuracy of statements in a document. The notary has no obligation to verify a document's contents. Notarization does not "legalize" or "validate" a document.

May I notarize my own signature or the signature of relatives?

You may not notarize your own signature. Although Alaska statutes do not forbid notarizing the signature of relatives, it is not good practice and this office strongly recommends against it. If the notarized document should ever be challenged in court, it may be determined that you were not acting as an impartial witness when the document was notarized. A notary is to be an impartial and unbiased witness.

May I charge for notarizing a document? If so, how much?

Alaska Statutes do not address this subject. It is entirely up to the discretion of the notary.

May I notarize documents outside the State of Alaska?

No. A notary may use an official notary seal only within Alaska's geographical boundaries.

What are the most crucial elements that a document must contain in order to be notarized?

A personal statement by the signer that forms the document's text and indicates the signer's agreement with and willingness to be obligated by certain terms.

(This provision negates the propriety of notarizing documents such as photographs, birth certificates, works of art, etc.)

Is it necessary to require the signer to take an oral oath or affirmation?

Alaska Statutes require oral oaths for affidavits, depositions, and other sworn statements.

What is the correct wording for a simple oath or affirmation?

Oath: I do solemnly swear that the statements in this document are true, so help me God.

Affirmation: I do solemnly affirm that the statements in this document are true.

Is it proper for the notarial certificate to be an attachment to the document?

Yes, but it should be identified in some way as belonging to that document. You might for example, write in the margin, "This certificate is attached to a grant deed dated January 15, 1994, signed by John Smith."

What is a credible witness?

An individual who is personally known by the notary and who personally knows the signer, who's willing to attest to the signer's identity. A credible witness may be used in a case where the signer has no acceptable ID.

A credible witness must be present during the notarization.

What is a subscribing witness ?

A subscribing witness is a third party who has witnessed the signing of a document to be notarized and appears before the notary with the document in place of the document signer.

There are four requirements which must be met for this to be valid:

- 1) the subscribing witness must be personally known by the notary,
- 2) the subscribing witness must declare under oath/affirmation that the subscribed signature is the principal's, 3) the subscribing witness must sign the document in addition to the principal, as a witness, 4) the subscribing witness must be impartial.

The subscribing witness acknowledgment is *only* recommended as a last resort alternative.

What is a signature-by-mark notarization, and what does it require?

When a physical handicap or illiteracy prevents a signer from writing his/her signature in the normal fashion, a mark (usually an "X") may be used. This type of signature requires two witnesses in addition to the notary.

What three things should I screen a signer for?

- a) Identity
- b) Willingness
- c) Competency

What forms of identification should I request?

The best form of identification to use is one which includes a photograph, signature and ideally a physical description. A valid driver's license is the best source of identification. Alaska Statute requires persons appearing before a notary to produce identification.

How can I determine willingness?

If you suspect a person is being forced to sign a document, you should refuse to notarize the document. If you fear violence, you might notarize and then contact the police.

How can I screen for competency?

The constituent should be able to communicate with you in some fashion and have the ability to indicate a basic understanding of the contents of the document. If there is doubt about competency, you may consult an available expert, such as the constituent's doctor or attorney. However, your common sense should prevail. If the constituent cannot communicate intelligibly, the notarization should not be performed.

What are the three types of discrepancy that commonly cause recorders to reject notarized documents?

- a) Missing or illegible seal impression.
- b) Missing or illegible signature.
- c) Improper or incomplete notarial certificate.

What should I do if asked to notarize a document written in a foreign language?

- a) Refer constituent to a consulate if one is available.
- b) Locate a bilingual notary.
- c) You may notarize a signed English-language translation of the document. Having a translator's declaration attached is recommended.

Is it proper to notarize a blank document?

No. This lends itself to potential fraud. Additionally, it prevents you from making a journal entry.

Should I read a document before notarizing it?

You do not have an unrestricted right or duty to read a document. However, you have the right and duty to scan the document in order to perform your record keeping duties.

You should refuse to notarize a document if the person requesting the notarization will not permit you to examine the document sufficiently to be able to perform the duty imposed on you by law or rules of practice.

How do I obtain a replacement commission certificate if the original is damaged or lost?

Send this office a letter requesting a replacement certificate with your case number if available, or call the Lieutenant Governor's office.

How do I request a name change on my notary certificate?

Send a letter requesting the name change to the Lieutenant Governor's office. If possible, return the old notary certificate. If not, state your case number, previous name and supply a sample of your new signature for our files. Continue to notarize documents under the old name until the new certificate is received. When you receive your new certificate, purchase a new seal reflecting the name change. Notify your surety of your name change.

What must I do if I have an address change?

Send a letter stating the new address and your case number, if available. Notify your surety of the new address.

May I notarize documents from other states?

Documents that originate in other states may be notarized by you as long as you are in Alaska. On the notary certificate, you must identify the jurisdiction in which the notarization took place.

Can a notary prepare legal documents?

No, a notary does not have authority to prepare legal documents. All documents presented to a notary for notarization should have the correct form of notary certificate on the document. As a notary your only duty is to perform the notarial act and complete the notarial certificate.

May I give advice on a document to the individual who presented it to me for notarization?

No, you are to notarize the document, not to give advice on specific aspects of the document. This would be considered unlawful legal advice.

What if my employer asks me to notarize documents which have not been signed in my presence?

If the person who's signature is being notarized does not appear before the notary, the notary is signing a false statement. Alaska Statute 44.50.070 states, "Presence and identification required." Agreements for your services as a notary public should be discussed with your employer at the time you are requested to apply for a commission. According to law, an employer can also be liable for a notary's misconduct.

May I certify copies of documents?

No, based on a 1992 Attorney General's opinion, notaries public in Alaska do not have authority under current law to certify copies of documents. In most cases, if a constituent needs a copy of a document certified, this office recommends they use Copy Certification By Document Custodian. Example provided on sample page.

What is the difference between a jurat and an acknowledgment?

A “jurat” is part of an affidavit in which you, the notary, state that it was signed and sworn to before you. When a document contains a jurat, it must be signed in a notary’s presence and the document signer must swear to the truthfulness of the statements in the document.

An “acknowledgment” means a declaration by a person that he or she has executed an instrument for the purposes stated therein. When a document contains an acknowledgement, it does not have to be signed in a notary’s presence, but the document signer must still appear before the notary to acknowledge that he/she signed the document and agree to the contents.

FOR FURTHER INFORMATION OR QUESTIONS, CONTACT:

Office of the Lieutenant Governor
Notary Administrator
PO Box 110015
Juneau, AK 99811

e-mail: notary @gov.state.ak.us

Fax 465-5400; Phone 465-3509
Toll free from Alaska: 877-764-1234

GLOSSARY OF TERMS

Acknowledgment - The act of admitting or recognizing the existence of an agreement by signing as evidence of one's intention that the agreement shall be binding and in full force and effect.

Affiant - The person who takes an oath or affirmation, and signs an affidavit.

Affidavit - A document that contains a statement made under oath or affirmation, signed by the affiant and a jurat signed and sealed by a notary.

Affirmation - A solemn statement, equivalent by law to an oath, but without religious significance or reference to a Supreme Being.

Apostille - Certificate of authority required by the Hague Convention. Apostilles streamline the authentication of notarized documents sent between countries who participated in the Convention. This document is **only** issued by the Lieutenant Governor's office.

Attorney-In-Fact - A person, not necessarily a lawyer, who is given authority to sign or act on behalf of another individual through a document called a power of attorney.

Certificate of Acknowledgment - A written statement affixed to a document, signed, and sealed by an authorized official that states in a form, usually prescribed by law, that the official took the acknowledgment of the person who signed the document.

Certificate of Authority - Certificate stating that the signature and seal on an attached document belong to a legitimate Notary in the appropriate state. This is required for documentation being transacted in foreign countries.

Hague Convention - A treaty signed by over 30 nations, including the United States, that simplifies authentication of notarized

documents sent between nations. (Full name is, "Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents.")

Impartial Witness - A witness who does not take a side in an argument or discussion. Not an advocate. One who is neutral, unprejudiced or unbiased.

Jurat - Notarial act in which a notary certifies having watched the signing of a document and administered an oath or affirmation in which the signer declares the document to be truthful and accurate.

L.S. - Abbreviation for the Latin term locus sigilli meaning "place of the seal", sometimes appearing on notarial certificates.

Misconduct - An intentionally wrongful, unlawful, forbidden or improper act.

Notarial Act - An act performed in conformance with the Notary law by a qualified and commissioned Notary Public. A notarization.

Notary Bond - An agreement called a bond signed by a surety company and a Notary (principal) in which the surety agrees to indemnify anyone who suffers damages caused by the Notary's improper performance of notarial acts, providing the Notary cannot pay the damages.

Notarial Certificate - Wording completed, signed, and sealed by a notary that states the particulars of a notarization and appears at the end of a signed document or on a paper attached to it. (See sample page for example.)

Notarial Misconduct - Notary's violation of a law, regulation, official directive, or expected standards of honesty, care or good judgment, usually in executing a notarization.

Notary Public - Person of proven integrity appointed by government to serve the public as an impartial witness, with duties specified by law.

Oath - A solemn pledge or promise containing reference to a Supreme Being. (A person who intentionally makes false statements under oath is punishable for perjury.)

Power of Attorney - Document empowering an attorney-in-fact to sign or act for a principal; authorization to sign or act for a principal as attorney-in-fact.

S.S. - Abbreviation for the Latin term Scilicet, meaning "to wit, namely." Printed near the venue of a certificate of acknowledgment.

Subscribe - To sign, to write one's signature.

Swear - To make a pledge solemnized by reference to a Supreme Being.

Testimonium Clause - At the end of many documents and certificates that follows the form "witness my hand and seal" or some variation thereof.

Venue - Location (state and judicial district) where a notarization is performed, as indicated at the top of most notarial certificates. (See sample page for example.)

Portions of this text were taken, with permission, from the National Notary Association's, Notary Home Study Course - copyright 1985 - all rights reserved, and from the May/June 1988 edition of The American Notary newsletter published by The American Society of Notaries.

SAMPLE FORMS

Individual Acknowledgment

State of _____
Judicial District _____ SS.

On this _____ day of _____ in the year _____,
before me, the undersigned notary public, personally appeared:
_____ known to me to be the
person(s) whose name(s) is/are subscribed to the within instrument and
acknowledged that he/she/they executed the same for the purposes
therein contained.

In witness whereof, I hereunto set my hand and official seal.

Notary Public (Signature)

(Notary's printed name)

My commission expires _____

Short Form Acknowledgment

State of _____
Judicial District _____ SS.

The Foregoing Instrument was acknowledged before me by
_____ on this _____ day of
_____, 20 ____.

Witness my hand and seal. L.S.

Notary Public (Signature)

(Notary's printed name)

My Commission Expires _____

Jurat

State of _____
Judicial District _____ .SS

Subscribed and sworn to before me this _____ day of _____
in the year _____.

Notary Public (Signature)

(Notary's printed name)

My commission expires _____

Jurat

State of _____
Judicial District _____ .SS

I hereby certify that on the _____ day of _____, 20_____,
before me, _____ (notary's name), a notary public of the
State of Alaska, personally appeared, _____ (affiant's
name) and made his/her oath/affirmation in due form of law that the
matters and facts set forth in the _____ (name of
document) are true.

As witness my hand and notarial seal.

Notary Public (Signature)

(Notary's printed name)

My commission expires _____

Copy Certification By Document Custodian

State of _____
_____ Judicial District

I, _____, hereby swear (or affirm) that the attached
(Name of custodian of original document)

reproduction of, _____ is a true, correct and
(description of original document with number of pages)

complete photocopy of a document in my possession.

_____,
(Signature and address of custodian of original document)

Subscribed and sworn to before me this _____ day of
_____ 20_____.

Notary's signature

My Commission Expires _____

Subscribing Witness Acknowledgment

State of _____
_____ Judicial District

On _____, before me, the
undersigned Notary, personally appeared

_____, personally known to me (or
proved to me on the oath of _____, who is
personally known to me) to be the person whose name is subscribed to
the within instrument, as a witness thereto, who, being by me duly
sworn, deposes and says that he/she was present and
saw _____, the same person described in
and whose name is subscribed to the within and annexed instrument as
a party thereto, execute the same, and that said affiant subscribed his/
her name to the within instrument as a witness.

Notary Public

Expiration Date _____

DISTRICT COURT AND OFFICE OF THE GOVERNOR ADDRESSES

First District

Clerk of Court
PO Box 114100
Juneau, AK 99811-4100

Clerk of Court
304 Lake Street, Rm 203
Sitka, AK 99835

Clerk of court
415 Main Street, Rm 400
Ketchikan, AK 99901

Clerk of Court
PO Box 1009
Petersburg, AK 99833

Second District

Clerk of Court
PO Box 1100
Nome, AK 99762-1100

Third District

Clerk of Court
Office of the Administrator
303 K Street
Anchorage, AK 99501

Clerk of Court
125 Trading Bay Rd, 100
Kenai, AK 99611

Fourth District

Clerk of Court
PO Box 130
Bethel, AK 99559

Clerk of Court
604 Barnette, #130
Fairbanks, AK 99701

Anchorage

Office of the Governor
3601 C Street, #758
Anchorage, AK 99503

Fairbanks

Office of the Governor
675 7th Avenue, Station H
Fairbanks, AK 99701

Juneau

Office of the Lt. Governor
PO Box 110015
Juneau, AK 99811

NOTARIES PUBLIC

ALASKA STATUTE 44.50

Sec. 44.50.010. Appointment and commission. The lieutenant governor may appoint and commission notaries public for the state.

Sec. 44.50.020. Qualifications. A person appointed as a notary public must be, at the time of submitting an application, a resident of this state and at least 19 years of age. In this section, "resident" means a person who maintains a permanent place of abode in Alaska, and is in fact living in Alaska.

Sec. 44.50.030. Term of office. The term of office of a notary public is four years from the date of commission.

Sec. 44.50.040. Fees. A fee of \$40 shall be paid to the lieutenant governor for each commission issued other than to a state employee.

Sec. 44.50.050. Chapter not a limitation on postmasters. Nothing in this chapter requires a postmaster to post a bond or to have a commission.

Sec. 44.50.060. Duties. A notary public shall
(1) when requested, demand acceptance and payment of foreign and inland bills of exchange, or promissory notes, protest them for nonacceptance and nonpayment, and exercise the other powers and duties which by the law of nations and according to commercial usages, or by the laws of any other state, government, or country, may be performed by notaries.

(2) take the acknowledgment or proof of powers of attorney, mortgages, deeds, grants, transfers, and other instruments of writing, and give a certificate of the proof or acknowledgment, endorsed on or attached to the instrument; the certificate shall be signed by the notary in the notary's own handwriting.

(3) take depositions and affidavits, and administer oaths and affirmations, in all matters incident to the duties of the office, or to be used before a court, judge, officer, or board in the state; a deposition, affidavit, oath, or affirmation shall be signed by the notary in the

notary's own handwriting, and the notary shall endorse after the signature the date of expiration of the notary's commission.

Sec. 44.50.070. Presence and identification required. A notary public shall require oaths and affirmations to be given in the notary's presence and require persons appearing before the notary to produce identification.

Sec. 44.50.080. Seal. (a) A notary public shall provide and keep an official seal, upon which shall appear the words, "State of Alaska" and "Notary Public," together with the name of the notary. The notary shall authenticate all official acts with the seal. (b) The seal of every notary public whose commission is issued on or after July 1, 1972 may be affixed by a seal press or stamp that will print or emboss a seal which legibly reproduces under photographic methods the words "State of Alaska" and "Notary Public" and the name of the notary. The seal may be circular not over two inches in diameter, or may be a rectangular form not more than an inch in width by two and one-half inches in length, and shall contain the information required by this section.

Sec. 44.50.090. Protest of bill or note. The protest of a notary public, under the notary's hand and official seal, of a bill of exchange or promissory note for nonacceptance or nonpayment is prima facie evidence of the facts recited in it, if the protest recites (1) the time and place of presentment; (2) the fact that presentment was made and the manner of presentment; (3) the cause or reason for protesting the bill; (4) the demand made and the answer given, or the fact that the drawee or acceptor could not be found.

Sec. 44.50.100. Return of papers to lieutenant governor. If a notary public dies, resigns, is disqualified, removed from office, or removes from the state, all the notary's public papers shall be delivered to the lieutenant governor.

Sec. 44.50.110. Application of Administrative Procedure Act to revocation of notary commission. The procedures set out in the Administrative Procedure Act (AS 44.62) shall be followed in the revocation of the commission of a notary public.

Sec. 44.50.120. Bond. Every person appointed a notary public after July 1, 1961, shall execute an official bond of \$1,000, approved by the clerk of the superior court.

Sec. 44.50.130. Filing oath and bond. (a) An application for a notary public commission shall include a statement under oath that the applicant is a resident of Alaska, as defined in AS 44.50.020.

(b) A person appointed a notary public shall file a bond and the oath set out in AS 39.05.045 with the lieutenant governor. The oath must be notarized and signed by the appointee.

Sec. 44.50.140. Disposition of bond. The lieutenant governor shall keep the bond for one year after the end of the term of the commission for which the bond is issued. Disposition of the bond after the end of the commission does not affect the time for starting an action on the bond.

Sec. 44.50.150. Copy of bond as evidence. A certified copy of the record of the official bond with all affidavits, acknowledgments, endorsements, and attachments may be read in evidence with the same effect as the original, without further proof.

Sec. 44.50.160. Misconduct or neglect. A notary and the sureties on the official bond are liable to persons injured for the damages sustained on account of misconduct or neglect of the notary.

Sec. 44.50.170. State employees as notaries.

(a) The lieutenant governor may appoint and commission state employees as notaries public of the state to act for and on behalf of a department of the state government as the lieutenant governor considers proper. If a state employee is appointed and commissioned, the head of the department shall execute a certificate that the appointment is made for the purposes of the department. When the certificate is filed with the lieutenant governor, the notary may not charge fees for filing or issuing a document in connection with the appointment.

(b) A department for which a notary public is appointed and commissioned under this section may pay from funds available for its support the premiums on the bond and the cost of stamps, seals, or

other supplies required in connection with the appointment, commission, or performance of the duties of the notary public.

(c) Fees collected or obtained by a notary public whose documents have been filed without charge and for whom bond premiums have been paid by a state agency shall be remitted by the notary to the state department by which the notary is employed and paid into the general fund of the state. Notwithstanding AS 44.50.030, the termination of employment revokes the commission of a notary whose documents have been filed without charge and for whom bond premiums have been paid by a state agency.

Sec. 44.50.180. Postmasters as notaries.

(a) Each postmaster in the state may perform the functions of a notary public in the state.

(b) Each official act of a postmaster as a notary public shall be signed by the postmaster, with a designation of the persons title as postmaster, shall have the cancellation stamp of the post office affixed, and shall state the name of the post office and the date on which the act was done.

(c) The postmaster may charge and receive the same fees as a notary for similar services.

Sec. 44.50.190. Savings clause. This chapter shall not be construed as to effect the release or extinguishment of a liability or forfeiture incurred or right accruing under a previous law regulating notaries. All commissions presently in effect continue until they expire or are terminated by death, disqualification, resignation, removal from the state, or until the notary is removed from office by the Lieutenant Governor under the Administrative Procedure Act.

Effective date: This act takes effect on July 1, 1961.

Revisor's note (1971)-In this chapter "Secretary of State" has been changed to "Lieutenant Governor" in conformity with the 1970 Alaska constitutional amendment (SJR 2) changing the designation of that office.

Alaska Statute
Title 9, Chapter 63

Sec. 09.63.010. Oath, affirmation, and acknowledgment in the state.

The following persons may take an oath, affirmation, or acknowledgment in the state: (1) a justice, judge, or magistrate of a court of the State of Alaska or of the United States;

(2) a clerk or deputy clerk of a court of the State of Alaska or of the United States;

(3) a notary public;

(4) a United States postmaster; or

(5) a commissioned officer under AS 09.63.050(4) (Sec. 1, ch 37 SLA 1981)

Sec. 09.63.020. Certification of documents.

(a) A matter required or authorized to be supported, evidenced, established, or proven by the sworn statement, declaration, verification, certificate, oath, or affidavit, in writing of the person making it (other than a deposition, an acknowledgment, an oath of office, or an oath required to be taken before a specified official other than a notary public) may be supported, evidenced, established or proven by the person certifying in writing "under penalty of perjury" that the matter is true. The certification shall state the date and place of execution, the fact that a notary public or other official empowered to administer oaths is unavailable, and the following:

"I certify under penalty of perjury that the foregoing is true."

(b) A person who makes a false sworn certification which the person does not believe to be true under penalty of perjury is guilty of perjury (Sec. 1, ch 37 SLA 1981).

Sec. 09.63.030. Notarization.

- (a) When a document is required by law to be notarized, the person who executes the document shall sign and swear to or affirm it before an officer authorized by law to take the person's oath or affirmation and the officer shall certify on the document that it was signed and sworn to or affirmed before the officer.
- (b) The certificate required by this section may be in substantially the following form:

Subscribed and sworn to (or affirmed) before me at _____
(City)
on _____,
(date)

Signature of Officer

Title of Officer

- (c) If the document is sworn to or affirmed before a notary public of the state, the notary public shall
 - (1) endorse after the signature of the notary public the date of expiration of the notary's commission;
 - (2) print or emboss the notary's seal on the document;
 - (3) comply with AS 44.50.060-44.50.080 or other applicable law.
- (Sec. 1 ch 37 SLA 1981)

Sec. 09.63.040. Verification.

- (a) When a document is required by law to be verified, the person required to verify it shall certify under oath or affirmation that the person has read the document and believes its content to be true.
- (b) The person who makes the verification shall sign it before a person authorized by law to take the person's oath or affirmation.

(c) A verification made under this section may be in substantially the following form:

_____ says on oath or affirms that he (or she) has read the foregoing (or attached) document and believes all statements made in the document are true.

Subscribed and sworn to or affirmed before me at

on _____
(date)

Signature of Officer

Title of Officer

(d) If the verification is sworn to or affirmed before a notary public of the state, the notary public shall

- (1) endorse after the signature of the notary public the date of expiration of the notary's commission;
 - (2) print or emboss the notary's seal on the document;
 - (3) comply with AS 44.50.060-44.50.080 or other applicable law.
- (Sec. 1 ch 37 SLA 1981)

Sec. 09.63.050. Recognition of notarial acts performed outside the state.

Notarial acts may be performed outside the state for use in the state with the same effect as if performed by a notary public of the state by

- (1) a notary public authorized to perform notarial acts in the place in which the act is performed;
- (2) a justice, judge, magistrate, clerk, or deputy clerk of a court of record in the place in which the notarial act is performed;
- (3) an officer of the foreign service of the United States, a consular agent, or a person authorized by regulation of the United States Department of State to perform notarial acts in the place in which the act is performed;
- (4) a commissioned officer in active service with the armed forces

of the United States or a person authorized by regulation of the armed forces to perform notarial acts if the notarial act is performed for a merchant seaman of the United States, a member of the armed forces of the United States, a person serving with or accompanying the armed forces of the United States, or their dependents; or

(5) a person authorized to perform notarial acts in the place in which the act is performed. (Sec. 1 ch 37 SLA 1981)

Sec. 09.63.060. Authentication of authority of officer.

(a) If the notarial act is performed by a person described in AS 09.63.050(1)-(4) other than a person authorized to perform notarial acts by the laws or regulations of a foreign country, the signature, rank or title and, if appropriate, the serial number of the person are sufficient proof of the authority of a person to perform the act.

(b) If the notarial act is performed by a person authorized by the laws or regulations of a foreign country to perform the act, there is sufficient proof of the authority of that person to act if

(1) either a foreign service officer of the United States resident in the country in which the act is performed or a diplomatic or consular officer of the foreign country resident in the United States certifies that a person holding that office is authorized to perform the act;

(2) the official seal of the person performing the notarial act is affixed to the document; or

(3) the title and indication of authority to perform notarial acts of the person appear either in a digest of foreign law or in a list customarily used as a source of that information.

(c) If the notarial act is performed by a person other than a person described in this section, there is sufficient proof of the authority of the person to act if the clerk of a court of record in the place in which the notarial act is performed certifies to the official character of the person and to the person's authority to perform the notarial act.

(d) The signature and title of the person performing the act are prima facie evidence that the person has the designated title and that the signature is genuine. (Sec. 1 ch 37 SLA 1981)

Sec. 09.63.070. Certificate of person taking acknowledgment.
The person taking an acknowledgment shall certify that

- (1) the person acknowledging appeared before the person taking the acknowledgment and acknowledged that the person executed the instrument; and
- (2) the person acknowledging was known to the person taking the acknowledgment or the person taking the acknowledgment had satisfactory evidence that the person acknowledging was the person described in and who executed the instrument. (Sec. 1 ch 37 SLA 1981)

Sec. 09.63.080. Recognition of certificate of acknowledgment.
The form of a certificate of acknowledgment used by a person whose authority is recognized under AS 09.63.010 or 09.63.050 shall be accepted in the state if

- (1) the certificate is in a form prescribed by the laws or regulations of the state;
- (2) the certificate is in a form prescribed by the laws or regulations applicable in the place in which the acknowledgment is taken; or
- (3) the certificate contains the words "acknowledged before me" or their substantial equivalent. (Sec. 1 ch 37 SLA 1981)

Sec. 09.63.090. Certificate of acknowledgment. The words "acknowledged before me" mean that

- (1) the person acknowledging
 - (A) appeared before the person taking the acknowledgment;
 - (B) acknowledged that the person executed the instrument;
 - (C) in the case of
 - (i) a natural person, acknowledged that the person executed the instrument for the purposes stated in it;
 - (ii) an officer or agent of a corporation, acknowledged that the person held the position or title set out in the instrument and certificate, signed the instrument on behalf of the corporation by proper authority, and the instrument was the act of the corporation for the purposes stated in it;
 - (iii) a partner or agent of a partnership, acknowledged that the person signed the instrument on behalf of the partnership by

proper authority and executed the instrument as the act of the partnership for the purposes stated in it;

(iv) a person acknowledging as a principal by an attorney in fact, acknowledged that the person executed the instrument by proper authority as the act of the principal for the purposes stated in it;

(v) a person acknowledging as a public officer, trustee, administrator, guardian, or other representative, acknowledged that the person signed the instrument in the capacity and for the purposes stated in it; and

(2) the person taking the acknowledgment either knew or had satisfactory evidence that the person acknowledging is the person named in the instrument or certificate. (Sec. 1 ch 37 SLA 1981)

Sec. 09.63.100. Forms of acknowledgment.

(a) The forms of acknowledgment set out in this subsection may be used and are sufficient for their respective purposes under a law of the state. The authorization of the forms in this section does not preclude the use of other forms.

(1) For an individual acting in the individual's own right:

State of _____
_____ Judicial District (or County of _____)
The foregoing instrument was acknowledged before me this (date)
by (name of person who acknowledged).

Signature of Person Taking Acknowledgment

Title or Rank

Serial Number, if any

(2) For a corporation:

State of _____
_____ Judicial District (or County of _____)

The foregoing instrument was acknowledged before me this (date) by (name of officer or agent, title of officer or agent) of (name of corporation acknowledging) a (state or place of incorporation) corporation, on behalf of the corporation.

Signature of Person Taking Acknowledgment

Title or Rank

Serial Number, if any

(3) For a partnership:

State of _____
_____ Judicial District (or County of _____)

The foregoing instrument was acknowledged before me this (date) by (name of acknowledging partner or agent), partner (or agent) on behalf of (name of partnership), a partnership.

Signature of Person Taking Acknowledgment

Title or Rank

Serial Number, if any



NOTARY BOND

State of Alaska

FOR OFFICAL USE ONLY

Case Number _____

Test Scores _____

New Commission
Renewal

Judicial District

KNOW ALL BY THESE PRESENT,

That, _____
Applicant Name Mailing Address City/State/Zip

Applicant's Email Address _____

Applicant's Employer's Name and Mailing Address _____
City/State/Zip

As applicant, and _____
Surety Name Mailing Address City/State/Zip

As surety, are held and firmly bound to the State of Alaska for the penal sum of One Thousand Dollars. We bind ourselves, our heirs, executors and administrators for the payment of this lawful sum.

Dated at _____ this _____ day of _____, 20_____
City

On condition of the above obligation, the Honorable Lieutenant Governor of Alaska has appointed and commissioned _____, a Notary Public in and for the State of Alaska, for a term of 4 years from the _____
(Do not fill in this date)
day of _____, 20_____.

If the above named applicant performs their duties as Notary Public as prescribed by law, then the obligation of this bond is null and void. However, if the above named applicant fails to perform their duties as Notary Public as prescribed by law, then the obligation of this bond is in full force and effect.

APPLICANT'S SIGNATURE

SIGNATURE OF SURETY

I, _____, do solemnly swear that I will support and defend the Constitution of the United States, and the Constitution of the State of Alaska, and will truly and faithfully discharge my duties as Notary Public to the best of my ability.

I am a resident of the State of Alaska so help me God.

OATH (SIGNATURE REQUIRED)

Subscribed and sworn to before me this _____ day of _____, 20_____.

NOTARY PUBLIC

EXPIRATION DATE

STATE OF ALASKA

_____ Judicial District

THIS SECTION MUST BE COMPLETED UNLESS SURETY IS COMMERCIAL BONDING COMPANY

I, _____, as surety, being duly sworn, upon oath, say that I am worth the sum of One Thousand Dollars, over and above all debts and property exempt from execution.

I base this statement upon estimated value of property, which I own at the present time:

I. Real Property, described as follows: _____

_____ \$ _____,

and in which I have an equity at present of _____ %

II. Stocks, bonds, and other intangible assets of a total estimated value of \$ _____

III. Personal property, fixtures, and other tangible personal property of a total value of \$ _____

IV. Accounts in the following banks and savings and loan associations:

1. _____, with an average monthly deposit of \$ _____

2. _____, with an average monthly deposit of \$ _____

Surety must inform the Lieutenant Governor of any change in financial status which would void the above statement.

SURETY (SIGNATURE REQUIRED)

Subscribed and sworn to before me this _____ day of _____, 20_____.

NOTARY PUBLIC

EXPIRATION DATE

FOR FURTHER INFORMATION CONTACT: THE NOTARY ADMINISTRATOR,
PO BOX 110015, JUNEAU, AK 99811
(907) 465-3509, (907) 465-5400 fax, email: notary@gov.state.ak.us

NOTARY BOND

STATE OF ALASKA EMPLOYEES

State of Alaska

_____ Judicial District

KNOW ALL BY THESE PRESENT,

That, _____
Applicant Name Mailing Address City/State/Zip

Department Name and Mailing Address City/State/Zip

as principal and the State of Alaska as Surety, are bound (to and by the State of Alaska) for the sum of One Thousand Dollars. We bind ourselves, our heirs, executors and administrators for payment of this sum.

Dated at _____ this _____ day of _____, 20_____
City

On condition of the above obligation, the Honorable Lieutenant Governor of Alaska has appointed and commissioned _____, a Notary Public in and for the State of Alaska, for a term of 4 years from the _____ day of _____, 20____

(DO NOT FILL IN THIS DATE)

If the above named applicant performs their duties as Notary Public as prescribed by law, then the obligation of this bond is null and void. However, if the above named principal fails to perform their duties as Notary Public as prescribed by law, then the obligation of this bond is in full force and effect.

We hereby certify that the Notary Public Commission applied for by the above named, _____, An employee of the State of Alaska, Department of _____, is necessary for the effective administration of the Department.

I CERTIFY THAT THIS APPOINTMENT IS MADE FOR THE PURPOSES OF THE DEPARTMENT.

Dated: _____

CERTIFYING OFFICER (Signature Required)

I, _____, do solemnly swear that I will support and defend the Constitution of the United States, and the Constitution of the State of Alaska, and will truly and faithfully discharge my duties as Notary Public to the best of my ability.

I am a resident of the State of Alaska so help me God.

Oath (APPLICANT SIGNATURE REQUIRED)

Subscribed and sworn to before me this _____ day of _____, 20____.

NOTARY PUBLIC

EXPIRATION DATE

Please circle one answer to each question and return the completed test, application, and \$40 fee to:

**OFFICE OF THE LIEUTENANT GOVERNOR
PO BOX 110015
JUNEAU, ALASKA 99811-0015**

- 1. If there is no room on a document for a notary seal,**
 - a) it may be affixed on a certificate attached to the document, called a "loose certificate."
 - b) it may be affixed over the notary's signature.
 - c) it may be affixed on the back of the document.
 - d) it may be omitted.

- 2. A notary should be guided above all, by requirements of**
 - a) the employer who paid for the notary's commission.
 - b) state law and regulation.
 - c) customers and business clients.
 - d) personal convenience.

- 3. Alaskan notaries are commissioned by**
 - a) the Clerk of the Court and have city-wide jurisdiction.
 - b) the federal government and have state-wide jurisdiction.
 - c) the state and have nation-wide jurisdiction.
 - d) the lieutenant governor's office and have state-wide jurisdiction.

- 4. A document presented to a notary for notarization should include**
 - a) the signer's birth date.
 - b) a notarial certificate.
 - c) the notary's case number.
 - d) none of the above.

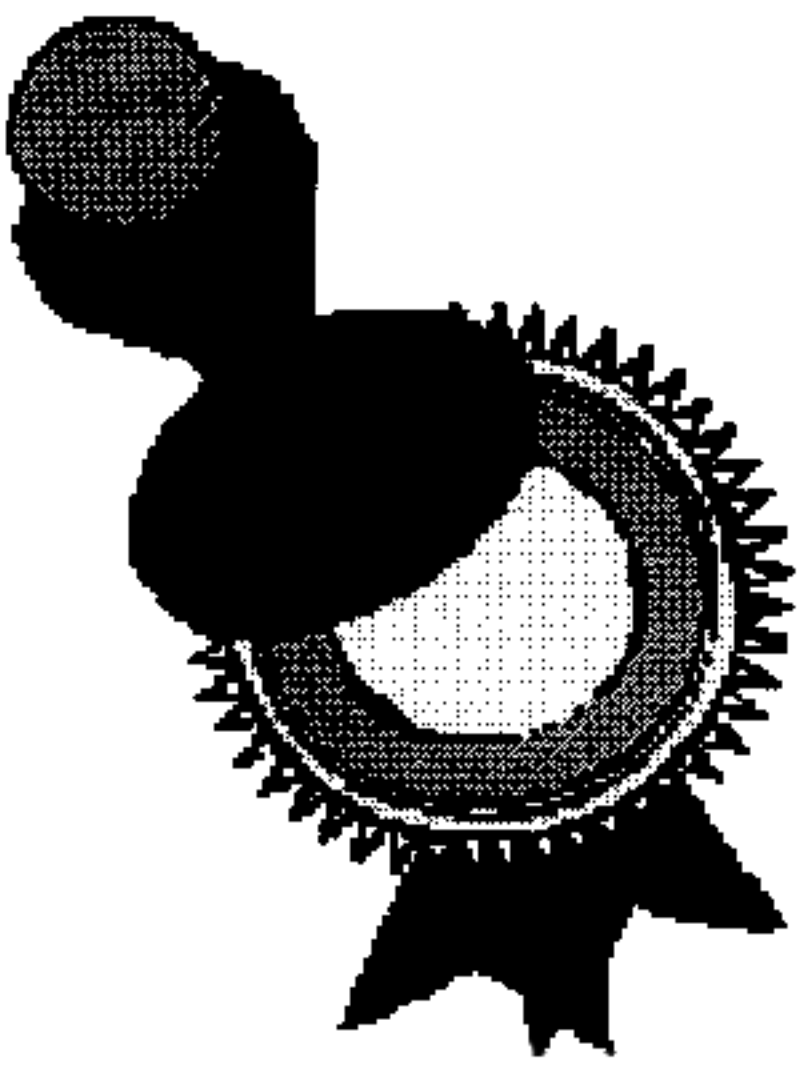
- 5. An oath or affirmation**
 - a) is required by Alaskan statute for affidavits, depositions and other sworn statements.
 - b) must be given in the notary's presence.
 - c) may be given over the phone.
 - d) both a and b.

- 6. Identification of a signer should NOT be based solely on a**
 - a) U.S. passport.
 - b) non-driver's state ID card.
 - c) Social Security card.
 - d) military ID card.

- 7. The most important factor in determining competence is the signer's ability to**
 - a) communicate with the notary.
 - b) write out a signature.
 - c) see the notary.
 - d) hear the notary.

8. **Keeping a journal of notarial acts is**
a) not necessary.
b) required by Alaskan Statute.
c) not required by Alaskan Statute, but highly recommended.
d) none of the above.
9. **When completing a notarial act, an Alaskan notary may use**
a) an inking stamp.
b) an embossed seal.
c) no stamp is required.
d) either a or b.
10. **An apostille**
a) is issued by the lieutenant governor's office.
b) must be completed and attached by the notary.
c) may be issued by any county clerk.
d) may be issued by some foreign consulates located in the U.S.
11. **The act of notarization**
a) guarantees the truth of statements in a document.
b) provides positive proof that a signature is genuine.
c) guarantees the legality of a document.
d) provides positive proof that a signer is honest.
12. **A notary surety bond**
a) offers notaries no protection at all against lawsuits.
b) protects notaries against all lawsuits.
c) protects the public against loss resulting from wrongful notarial acts, whether intentional or unintentional.
d) both a and c.
13. **Notaries may**
a) advise use of a particular notarial certificate, but not supply it.
b) not advise use of a notarial certificate, but type it as a courtesy.
c) neither advise use of a notarial certificate, nor supply it upon request.
d) advise use of a notarial certificate only if they are able to supply it.
14. **Notaries may be liable to persons injured for the damages sustained on account of**
a) intentional misconduct only.
b) unintentional misconduct only.
c) misconduct or neglect of the notary.
d) none of the above.
15. **Notaries are authorized to**
a) fill out documents for others.
b) explain documents to persons who cannot read.
c) identify document signers.
d) determine the type of notarial act needed.

Alaska Notary Public Name & Address Change Request



Fax or mail completed form to:

Notary Administrator
Office of the Lt. Governor
P.O. Box 110015
Juneau, Alaska 99811-0015
(907) 465-5400 fax

Date: _____

Case Number: _____

Current Mailing Address (if left blank, your updated certificate will be mailed to the address currently on file):

If you are changing your name, please complete both of the following signature blocks. If only updating your address choose whichever block you'd like. All requests must be signed.

Old Name (please print): _____

Old Signature: _____

New Name (please print): _____

New Signature: _____